

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PLAN DE SALUD DE LA FEDERACION DE
MAESTROS DE PUERTO RICO;
FEDERACION DE MAESTROS DE PUERTO
RICO;
WILLIAM RIVERA-FELIX;
LILLIAN GONZALEZ-PUMAREJO

Plaintiffs

vs.

CIVIL 02-1078CCC

COMMONWEALTH OF PUERTO RICO;
OFFICE OF THE INSURANCE
COMMISSIONER OF THE
COMMONWEALTH OF PUERTO RICO;
FERMIN CONTRERAS

Defendants

O R D E R

Plaintiff American Federation of Teachers's (AFT) Objections to Defendants' Proposed Documentary Evidence filed June 3, 2004 (**docket entry 113**) are based on lack of relevance since plaintiff understands that its case is about the illegality of the government's actions during February and March, 2001. The court subsequently entered an order on October 28, 2004 (docket entry 137) asking defendants to respond to these objections by November 12, 2004. On November 16, 2004 (**docket entry 141**) plaintiff requested that the court deem its objections as unopposed and therefore sustain them. Defendants responded to this motion on November 18, 2004 (**docket entry 142**), stating that the plaintiffs by their objections had limited the theory of their case to the issue of whether defendants' actions between February and March 2001 were illegal. Viewed in that light, the objections were moot, if the case were so limited. On March 21, 2005 (docket entry 155), plaintiff AFT's objections were overruled, without prejudice of reviewing them within ten days, with copies of the documents. On April 6, 2005, AFT resubmitted its objections (docket entry 159).

The court has reviewed the different claims stated in the amended complaint and in the plaintiff's theory as set forth in the Joint Pretrial Order. Certainly the breach of contract/ failure to negotiate in good faith claim seems to focus on the months of February/March 2001, however, there are events alleged in the complaint that are relevant not only to this claim but to defendants' defense of said claim. Additionally, the challenge to the constitutionality of the

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statutory provision of the Insurance Code mentioned in the complaint as well as the § 1983 claim are not limited to the government actions during February/March 2001 period, nor are the defenses raised by the defendants restricted to that time frame

Accordingly, the objections raised by plaintiff AFT to Ex. J (identified by plaintiff as exhibits to the petition for liquidation) and Exhibits N, O, P, Q are OVERRULED. The reasons for the objections to these exhibits is that they are not relevant to the actions that took place during February/March 2001, a restrictive timeline that does not comport with the time spanned in plaintiffs' own allegations and theory of the case nor to the relevant time frame underlying the defenses raised by defendants to the different causes of action averred in the complaint. The objection to defendants' proposed Exhibit AO is SUSTAINED.

SO ORDERED.

At San Juan, Puerto Rico, on September 23, 2005.

S/CARMEN CONSUELO CEREZO
United States District Judge